

10/16/00

Jc957 U.S. PTO

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Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

PTO/SB/05 (08-00)

**UTILITY
PATENT APPLICATION
TRANSMITTAL**

(Only for new nonprovisional applications under 37 C.F.R. 1.53(b))

Attorney Docket No. 86165.000030

First Inventor Restive, Mario J.

Title ASPIRATION SPRAYER

Express Mail Label No. EL603844550US

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

ADDRESS TO:Assistant Commissioner for Patents
Box Patent Application
Washington, DC 20231

1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)
(Submit an original and a duplicate for fee processing)
2. ☒ Applicant claims small entity status.
See 37 CFR 1.27.
3. ☒ Specification [Total Pages 14]
(preferred arrangement set forth below)
- Descriptive title of the Invention
 - Cross References to Related Applications
 - Statement Regarding Fed sponsored R & D
 - Reference to sequence listing, a table, or a computer program listing appendix
 - Background of the Invention
 - Brief Summary of the Invention
 - Brief Description of the Drawings (if filed)
 - Detailed Description
 - Claim(s)
 - Abstract of Disclosure
4. ☒ Drawing(s) (35 USC 113) [Total Sheets 11]
5. Oath or Declaration [Total Pages 2]
- a. ☒ Newly executed (original or copy)
- b. ☐ Copy from a prior application (37 C.F.R. 1.63(d))
(for continuation/divisional with Box 17 completed)
- i. ☐ **DELETION OF INVENTOR(S)**
Signed statement attached deleting inventor(s) named in the prior application, see 37 C.F.R. 1.63(d)(2) and 1.33(b).
6. ☐ Application Data Sheet. See 37 CFR 1.76

7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission
(If applicable, all necessary)
- a. ☐ Computer Readable Copy (CRF)
- b. Specification Sequence Listing on:
- i. ☐ CD-ROM or CD-R (2 copies); or
 - ii. ☐ paper
- c. ☐ Statement verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

9. ☒ Assignment Papers (cover sheet & document(s))
10. ☐ 37 C.F.R. 3.73(b) Statement (when there is an assignee) ☐ Power of Attorney
11. ☐ English Translation Document (if applicable)
12. ☐ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
13. ☐ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503)
(Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s)
(if foreign priority is claimed)
16. ☐ Other: _____

17. If a **CONTINUING APPLICATION**, check appropriate box and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: _____
Prior application information: Examiner: _____ Group/Art Unit: _____

For **CONTINUATION** or **DIVISIONAL APPS** only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

18. CORRESPONDENCE ADDRESS

Customer Number of Bar Code Label

or ☐ Correspondence address below

| | | | |
|---------|-----------|----------|--|
| Name | | | |
| Address | | | |
| City | State | Zip Code | |
| Country | Telephone | Fax | |

| | | | |
|-------------------|---------------|-----------------------------------|--------|
| Name (Print/Type) | Brian B. Shaw | Registration No. (Attorney/Agent) | 33,782 |
|-------------------|---------------|-----------------------------------|--------|

| | | | |
|-----------|--|------|------------------|
| Signature | | Date | October 16, 2000 |
|-----------|--|------|------------------|

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

FEE TRANSMITTAL for FY 2000

Patent fees are subject to annual revision.

Complete if Known

| | |
|------------------------|-------------------|
| Application Number | |
| Filing Date | |
| First Named Inventor | Restive, Mario J. |
| Examiner Name | |
| Group Art Unit | |
| Attorney Docket Number | 86165.000030 |

TOTAL AMOUNT OF PAYMENT \$501

METHOD OF PAYMENT (check one)

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any overpayment to:

Deposit Account Number 033875

Deposit Account Name HARTER, SECREST & EMERY LLP

- ☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

☐ Applicant claims small entity status. See 37 CFR 1.27

2. ☒ Payment Enclosed:

☒ Check ☐ Credit card ☐ Money Order ☐ Other

FEE CALCULATION

1. BASIC FILING FEE

| Large Entity Fee Code | Small Entity Fee Code | Fee (\$) | Fee (\$) | Fee Description | Fee Paid |
|-----------------------|-----------------------|----------|----------|------------------------|----------|
| 101 | 201 | 690 | 345 | Utility filing fee | \$345.00 |
| 106 | 206 | 310 | 155 | Design filing fee | |
| 107 | 207 | 480 | 240 | Plant filing fee | |
| 108 | 208 | 690 | 345 | Reissue filing fee | |
| 114 | 214 | 150 | 75 | Provisional filing fee | |
| SUBTOTAL (1) | | | | | \$345.00 |

2. EXTRA CLAIM FEES

| Total Claims | Extra claims | Fee from below | Fee Paid |
|--------------------|--------------|----------------|----------|
| 12 | -20** | 0 | \$0 |
| Independent Claims | 7 | 4 | \$156 |
| Multiple Dependent | | | |

**or number previously paid, if greater, For Reissues, see below

| Large Entity Fee Code | Small Entity Fee Code | Fee (\$) | Fee (\$) | Fee Description |
|-----------------------|-----------------------|----------|----------|--|
| 103 | 203 | 18 | 9 | Claims in excess of 20 |
| 102 | 202 | 78 | 39 | Independent claims in excess of 3 |
| 104 | 204 | 260 | 130 | Multiple dependent claim, if not paid |
| 109 | 209 | 78 | 39 | ** Reissue independent claim over original patent |
| 110 | 210 | 18 | 9 | ** Reissue claims in excess of 20 and over original patent |

SUBTOTAL (2) \$156

FEE CALCULATION (check one)

3. ADDITIONAL FEES


| Large Entity Fee Code | Small Entity Fee Code | Fee (\$) | Fee (\$) | Fee Description | Fee Paid |
|-----------------------|-----------------------|----------|----------|--|----------|
| 105 | 205 | 130 | 65 | Surcharge - late filing fee or oath | |
| 127 | 227 | 50 | 25 | Surcharge - late provisional filing fee or cover sheet | |
| 139 | 139 | 130 | 130 | Non-English specification | |
| 147 | 147 | 2,520 | 2,520 | For filing a request for <i>ex parte</i> reexamination | |
| 112 | 112 | 920* | 920* | Requesting publication of SIR prior to Examiner action | |
| 113 | 113 | 1,840* | 1,840* | Requesting publication of SIR after Examiner action | |
| 115 | 215 | 110 | 55 | Extension for reply within first month | |
| 116 | 216 | 380 | 190 | Extension for reply within second month | |
| 117 | 217 | 870 | 435 | Extension for reply within third month | |
| 118 | 218 | 1,360 | 680 | Extension for reply within fourth month | |
| 128 | 228 | 1,850 | 925 | Extension for reply within fifth month | |
| 119 | 219 | 300 | 150 | Notice of Appeal | |
| 120 | 220 | 300 | 150 | Filing a brief in support of an appeal | |
| 121 | 221 | 260 | 130 | Request for oral hearing | |
| 138 | 138 | 1,510 | 1,510 | Petition to institute a public use proceeding | |
| 140 | 240 | 110 | 55 | Petition to revive - unavoidable | |
| 141 | 241 | 1,210 | 605 | Petition to revive - unintentional | |
| 142 | 242 | 1,210 | 605 | Utility issue fee (or reissue) | |
| 143 | 243 | 430 | 215 | Design issue fee | |
| 144 | 244 | 580 | 290 | Plant issue fee | |
| 122 | 122 | 130 | 130 | Petitions to the Commissioner | |
| 123 | 123 | 50 | 50 | Petitions related to provisional applications | |
| 126 | 126 | 240 | 240 | Submission of Information Disclosure Stmt | |
| 581 | 581 | 40 | 40 | Recording each patent assignment per property (times number of properties) | |
| 146 | 246 | 690 | 345 | Filing a submission after final rejection (37 CFR § 1.129(a)) | |
| 149 | 249 | 690 | 345 | For each additional invention to be examined (37 CFR § 1.129(b)) | |
| 179 | 279 | 690 | 345 | Request for Continued Examination (RCE) | |
| 169 | 169 | 900 | 900 | Request for expedited examination of a design application | |

Other fee (specify)

SUBTOTAL (3) (\$)

* Reduced by Basic Filing Fee Paid

SUBMITTED BY

| | | | | | |
|-------------------|---|-----------------------------------|------------------|-----------|--------------|
| Name (Print/Type) | Brian B. Shaw | Registration No. (Attorney/Agent) | 33,782 | Telephone | 716-232-6500 |
| Signature |  | Date | October 16, 2000 | | |

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STATEMENT CLAIMING SMALL ENTITY STATUS
(37 C.F.R. 1.9(f) & 1.27 (b))—SMALL BUSINESS CONCERN

Docket Number (optional)

86165.000030

Applicant, Patentee or Identifier: Restive, Mario J.

Application or Patent No. _____

Filed or Issued: _____

Title: ASPIRATION SPRAYER

I hereby state I am

- ☐ the owner of the small business concern identified below:
- ☒ the official of the small business concern empowered to act on behalf of the concern identified below

NAME OF SMALL BUSINESS CONCERN The Fountainhead Group, Inc.ADDRESS OF SMALL BUSINESS CONCERN 23 Garden Street, New York Mills, New York, 13417

I hereby state that the above identified small business concern qualifies as a small business concern as defined in 13 CFR Part 121 for purposes of paying reduced fees to the United States Patent and Trademark Office. Questions related to size standards for a small business concern may be directed to: Small Business Administration, Size Standards Staff, 409 Third Street, SW, Washington, DC 20416.

I hereby state that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention described in:

- ☒ the specification filed herewith with title as listed above.
- ☐ the application identified above.
- ☐ the patent identified above.

If the rights held by the above identified small business concern are not exclusive, each individual, concern, or organization having rights in the invention must file separate statements as to their status as small entities, and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e).

Each person, concern, or organization having any rights in the invention is listed below:

- ☒ no such person, concern, or organization exists.
- ☐ each such person, concern or organization is listed below.

Separate statements are required from each named person, concern, or organization having rights to the invention stating their status as small entities. (37 CFR 1.27)

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

NAME OF PERSON SIGNING John RomanoTITLE OF PERSON IF OTHER THAN OWNER PresidentADDRESS OF PERSON SIGNING 23 Garden Street, New York Mills, New York 13417SIGNATURE DATE 10-11-00

Under the Paperwork reduction Act of 1995, persons are required to respond to a collection of information unless it displays a valid OMB control number.

STATEMENT CLAIMING SMALL ENTITY STATUS
(37 C.F.R. 1.9(f) & 1.27 (b))—INDEPENDENT INVENTOR**Docket Number**
86165.000030Applicant, Patentee or
Identifier: Restive, Mario J.Application or Patent
No.

Filed or Issued:

Title: ASPIRATION SPRAYER

As a below named inventor, I hereby state that I qualify as an independent inventor as defined in 37 CFR 1.9(c) for purposes of paying reduced fees to the Patent and Trademark Office described in:

- ☒ the specification filed herewith with title as listed above.
- ☐ the application identified above.
- ☐ the patent identified above.

I have not assigned, granted, conveyed or licensed, and am under no obligation under contract or law to assign, grant, convey or license, any rights in the invention to any person who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person had made the invention, or to any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

Each person, concern, or organization having any rights in the invention is listed below:

- ☐ No such person, concern, or organization exists.
- ☒ Each such person, concern or organization is listed below.

| | | | |
|---------|-------------------------------------|---------|-----------------|
| Name | <u>The Fountainhead Group, Inc.</u> | Name | _____ |
| Address | <u>23 Garden Street</u> | Address | _____ |
| City | <u>New York Mills</u> | City | _____ |
| State | <u>New York</u> ZIP <u>13417</u> | State | _____ ZIP _____ |
| Country | <u>UNITED STATES</u> | Country | _____ |

Separate statements are required from each named person, concern, or organization having rights to the invention stating their status as small entities. (37 CFR 1.27)

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

NAME OF INVENTOR
Restive, Mario J.

NAME OF INVENTOR

NAME OF INVENTOR

Signature of inventor

Signature of inventor

Signature of inventor

Date

Date

Date